

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE LUGO,

Plaintiff,

-v-

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.
----- X

04 Civ. 1064 (JSR)

ORDER

USDC SDNY
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DOC #:
DATE FILED: 2-27-08

JED S. RAKOFF, U.S.D.J.

On February 8, 2008, the Honorable Michael H. Dolinger, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned case recommending that the Commissioner of the Social Security Administration's ("Commissioner") determination be reversed, that his motion for remand for further administrative proceedings be granted, that plaintiff's cross-motion for remand solely for calculation of Supplemental Security Income ("SSI") benefits be denied, and that the case be remanded for further proceedings consistent with the Report. In addition, Judge Dolinger recommended that the Administrative Law Judge be ordered to complete any further proceedings required in this matter within 120 days of the issuance of the remand order.

Neither party has filed any objection to any part of Judge Dolinger's Report and, for that reason alone, the parties have waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002). Accordingly, the Court hereby adopts the Report and Recommendation in full, reversing the Commissioner's determination,

granting the Commissioner's motion for a remand, denying plaintiff's cross-motion for a remand, and ordering that any further proceedings in this matter be completed within 120 days of the issuance of this order.

Clerk to enter judgment.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jed S. Rakoff', is written over a horizontal line.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
February 26, 2008